

5422/97

LIMITE

PUBLIC 1

LEGISLATIVE TRANSPARENCY
STATEMENTS FOR RELEASE TO THE PUBLIC
DECEMBER 1996

Annexed hereto is a list of the final legislative acts adopted by the Council in December 1996, together with the statements in the minutes which it has decided to release to the public.

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1974th Council meeting (Labour and Social Affairs) on 2 December 1996 Council Regulation amending and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 Council Decision fixing the amount of the Community financial contribution for 1996 to expenditure incurred by the Swedish authorities for the release of smolt 1977th Council meeting (General Affairs) on 6 December 1996 Council Regulation amending for the fifth time Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished Council Regulation amending Regulations (EEC) Nos 1600/92 and 1601/92 concerning specific measures for the Azores and Madeira, and the Canary Islands respectively with regard to certain agricultural products	11125/96 + COR 1 (s) + COR 2 (s)		
	11169/96		
	11315/96 + COR 1		
	10839/96	300/96, 301/96	

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1978th Council meeting (Environment) on 9 December 1996			
Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners	PE-CONS 3630/96 + COR 1 (dk)		
Directive of the European Parliament and of the Council amending Directive 94/35/EC of the European Parliament and of the Council on sweeteners for use in foodstuffs	PE-CONS 3627/96 + COR 1 (dk) + REV 1 (fin)	302/96, 303/96	D, S opposed
Directive of the European Parliament and of the Council amending Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ("temporary authorization")	PE-CONS 3628/96	304/96, 305/96	
Decision of the European Parliament and of the Council on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs	PE-CONS 3629/96 + COR 1 (fin)	306/96	B opposed
Council Regulation on the protection of species of wild fauna and flora by regulating trade therein	11781/96 + COR 1 + COR 2 (es) + COR 3 (s) + COR 4 (en) + COR 5 (dk)	307/96, 308/96, 309/96, 310/96, 311/96, 312/96, 313/96, 314/96	
Council Decision on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997-2000)	12081/96	315/96, 316/96, 317/96, 318/96, 319/96, 320/96, 321/96, 322/96	

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Decision on inter-administration telematic networks for statistics relating to the trading of goods between Member States (EDICOM)	12146/96		D, UK opposed
Council Directive on the control of major hazards involving dangerous substances (SEVESO II)	11185/96 + COR 1 (d) + COR 2 (en) + COR 3 (nl) + COR 4 (nl) + COR 5 (i) + REV 1 (fin)	323/96, 324/96, 325/96, 326/96, 327/96, 328/96, 329/96, 330/96, 331/96	
1980th Council meeting (Agriculture) on 17 December 1996			
Council Regulation amending Regulation (EEC) No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance	12707/96		
Council Regulation providing for additional measures for direct support of producers' incomes or for the beef and veal sector	12687/96		
Council Regulation amending Regulation (EEC) No 3508/92 establishing an integrated administrative and control system for certain Community aid schemes	12430/96		
Council Regulation amending Regulation (EEC) No 2075/92 on the common organization of the market in raw tobacco	12130/96		
Council Regulation amending Regulation (EEC) No 571/88 on the organization of Community surveys on the structure of agricultural holdings	12544/96 + COR 1 (s)	332/96, 333/96, 334/96	D abstention

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff for certain processed agricultural products covered by Regulation (EC) No 3448/93	8832/96		F opposed
Council Regulation amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making	12710/96 + COR 1 (f, nl)		
Council Decision amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs	11993/96		
Council Directive amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC	12834/96		
Council Directive amending Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries	12835/96	335/96, 336/96, 337/96	

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Directive on the certification of animals and animal products	12863/96		
Council Regulation providing for an extension of the terms of a Community plant variety right in respect of potatoes	12751/96		
1981st Council meeting (Audiovisual/Cultural Affairs) on 16 December 1996			
Council Decision concerning a multi-annual programme for the promotion of energy efficiency in the Community – SAVE II	12474/96	338/96, 339/96, 340/96, 341/96, 342/96	
Directive of the European Parliament and of the Council amending the Annex to Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State	PE-CONS 3633/96		
Council Regulation amending the Annex to Regulation (EEC) No 3911/92 on the export of cultural goods	8556/96 + REV 1 (fin)		D opposed
1983rd Council meeting (Fisheries) on 20 December 1996			
Council Regulation amending Regulation (EC) No 1823/96 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (second series 1996)	12375/96 + COR 1 (f,d,i,nl,en,dk,gr,es,p,s)		
Council Regulation temporarily suspending entirely or in part the autonomous Common Customs Tariff duties on certain fishery products (1997)	12858/96 + COR 1	343/96	I opposed

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation amending for the fourth time Regulation (EC) No 3699/93 laying down criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and for processing and marketing of its products	12230/96 + COR 1 (f) + REV 1 (d,nl,en) + REV 2 (s)		
Council Regulation amending Regulation (EEC) No 2847/93 as regards the deadline for a Council Decision on a continuous position monitoring system using satellite communications for Community fishing vessels	10344/96		
Council Regulation adjusting, with effect from 1 July 1996, the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto	12525/96 + COR 1 (f,es,fin)		
Council Regulation amending the Annex to Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	12369/96		
Council Directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers			
Council Regulation on structural business statistics	12354/96	344/96	
	11845/96	345/96, 346/96, 347/96, 348/96, 349/96, 350/96, 351/96	D opposed

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Directive of the European Parliament and of the Council concerning common rules for the internal market in electricity	PE-CONS 3638/96	352/96, 353/96, 354/96, 355/96, 356/96, 357/96, 358/96, 359/96, 360/96, 361/96, 362/96, 363/96, 364/96, 365/96, 366/96, 367/96, 368/96, 369/96	D abstained
Directive amending Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (follow-up to the Barber judgment)	12403/96 + COR 1 (d) + COR 2 (s)	370/96, 371/96	
Directive of the European Parliament and of the Council on cross-border credit transfers	PE-CONS 3632/96 + COR 1 (dk)	372/96	
Decision of the European Parliament and of the Council adopting a Community action programme on customs (Customs 2000)	PE-CONS 3625/96 + COR 1 (d,i,en,dk,gr,es,p) + REV 1 (s)	373/96	
Regulation of the European Parliament and of the Council concerning novel foods and novel food ingredients	PE-CONS 3637/96 + COR 1	374/96	
Council Regulation repealing Regulation (EEC) No 1729/76 concerning the communication of information on the state of the Community's energy supplies	11991/96		
Council Decision repealing Directive 75/339/EEC obliging the Member States to maintain minimum stocks of fossil fuel at thermal power stations	12179/96		

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC
– DECEMBER 1996 –

FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Decision repealing Directive 75/405/EEC concerning the restriction of the use of petroleum products in power stations	12180/96		
Council Decision repealing Recommendation 76/494/EEC on the rational use, through better driving habits, of energy consumed by road vehicles	12181/96		
Council Directive on marine equipment	12303/96 + COR 1	375/96, 376/96, 377/96, 378/96, 379/96, 380/96	
Council Regulation opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products, and amending Regulation (EC) No 3059/95 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	12852/96 + REV 1 (nl) + COR 1 (en)	381/96, 382/96, 383/96, 384/96	
Council Regulation (EC) on statistics on the level and structure of labour costs	12349/96 + COR 1 (fin) + COR 2 (p)	385/96	
Council Directive amending with regard to the level of the standard rate of value added tax, Directive 77/388/EEC on the common system of value added tax	12189/96 + COR 1 (s) + COR 2 (d)	386/96	
Council Regulation amending Regulation (EC) No 789/96 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (1996)	12859/96		

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished	12275/96	387/96, 388/96, 389/96, 390/96, 391/96, 392/96	B, S opposed
Council Regulation allocating, for 1997, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen	12254/96		
Council Regulation allocating, for 1997, certain catch quotas between Member States for vessels fishing in Faroese waters	12256/96		
Council Regulation allocating, for 1997, Community catch quotas in Greenland waters	12263/96		
Council Regulation allocating, for 1997, catch quotas between Member States for vessels fishing in Icelandic waters	12264/96		
Council Regulation allocating, for 1997, catch quotas between Member States for vessels fishing in Estonian waters	12266/96		
Council Regulation allocating, for 1997, catch quotas between Member States for vessels fishing in Latvian waters	12268/96		

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC – DECEMBER 1996 –			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation allocating, for 1997, catch quotas between Member States for vessels fishing in Lithuanian waters	12270/96		
Council Regulation allocating, for 1997, catch quotas between Member States for vessels fishing in Polish waters	12272/96		
Council Regulation laying down for 1997 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries	12273/96		
Council Regulation laying down for 1997 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries	12274/96	393/96	
Written procedure completed on 30 December 1996			
Council Directive amending Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products	12191/96 + COR 1	394/96, 395/96, 396/96 397/96, 398/96	

STATEMENT 300

"The Commission will include either in the next letter of amendment to the 1997 budget or in the next supplementary and amending budget the appropriations for these measures in accordance with the estimates approved in the financial statement."

STATEMENT 301

"The Commission undertakes to submit to the Council before the end of the extended marketing year provided for in its proposal (1996/1997) the specific reports provided for in Article 5 of Regulation No 1600/92 and Regulation No 1601/92 and the general reports on the application of those Regulations provided for in Articles 35 and 30 respectively, accompanied by appropriate proposals."

STATEMENT 302

Statement by the German delegation

"The Federal Republic of Germany assumes that carry-over (Article 1(3)) does not apply to table-top sweeteners."

STATEMENT 303

Statement by the Greek delegation

"Greece considers that under Article 2a no category of product in the winegrowing sector may contain sweeteners unless this is specifically authorized by inclusion of that category in the Annex to this Directive. Consequently, the second indent of Article 2a does not apply to the winegrowing sector where specific provisions have been adopted."

STATEMENT 304

Council and Commission statement

"The Council and the Commission agree that the procedure under this Directive may not be substituted for the procedure under the Regulation on novel foods and novel food ingredients ⁽¹⁾ for the products concerned."

STATEMENT 305

Statement by the German delegation

"The Federal Republic of Germany requests the Commission to confirm that the Scientific Committee for Food will not only be consulted but will, after examination of the dossier, have to give a favourable recommendation for approval."

⁽¹⁾ Common position (EC) No 25/95 of 23 October 1995, adopted by the Council acting in accordance with the procedure referred to in Article 189b of the Treaty establishing the European Community, with a view to adopting a Regulation of the European Parliament and of the Council on novel foods and novel food ingredients.

STATEMENT 306

Statement by the German delegation on the Annex to the Decision of the European Parliament and of the Council on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs

"The wording "Bier nach deutschem Reinheitsgebot gebraut" [beer brewed in accordance with German purity requirements] given for traditional German beer in the Annex to the Decision is not regarded by the Federal Republic of Germany as a specified description. Germany considers similar descriptions, such as "Entspricht dem deutschen Reinheitsgebot" [meeting German purity requirements], to be permissible."

STATEMENT 307

Re the Regulation:

"The Council considers that in connection with their responsibilities under this Regulation, Member States and the Commission should bear in mind the value of consultation with trade and environmental organizations."

STATEMENT 308

Re Article 3:

"The Council and the Commission draw attention to the urgent need for the Community to accede to the Convention and undertake to move towards that end. Detailed arrangements for Community participation in the Conference of the Parties to the Convention and for the preparation of positions to be defended there will be laid down in the Community's accession document."

STATEMENT 309

Re Article 3(5):

"The Council and the Commission state that this provision does not create a new obligation for coordination and that it will be implemented in the framework of the usual mechanisms for Community participation in the Convention."

STATEMENT 310

Re Article 10:

"The Council and the Commission consider that when provisions concerning the issue, validity and use of certificates are drawn up in accordance with the procedure laid down in Article 18, the Committee must strive to keep down the number so as to make controls more efficient and reduce the administrative burden."

STATEMENT 311

Re Article 11:

"The Council and the Commission consider that Member States may levy a charge for processing applications for the permit or certificate required under this Regulation and that when fixing the level of such charges, Member States should take care that differences between the levels do not have the effect of transferring administrative burdens."

STATEMENT 312

Re Article 18:

"The Commission regrets the Council's decision in favour of a type III(b) regulatory committee for certain measures to be adopted in implementation of this Regulation.

The Commission does not consider that this type of committee makes it possible in every case to guarantee that the necessary decisions are adopted."

STATEMENT 313

Re Annex A:

"Spain recognizes the role played by local communities in the conservation of natural resources and for that reason it unreservedly supports the sustainable use of those resources by various local communities in Greenland, particularly as regards the catching of certain cetaceans for subsistence purposes, a position which is traditionally reflected in the support which the Spanish delegation has given to the relevant IWC resolutions authorizing it, and which represents a commitment on Spain's part.

In the same way, in expressing its desire to contribute to the maintenance of biodiversity Spain cannot support any measure which, by authorizing trade in certain specimens, might threaten the conservation of their populations, a possible outcome in, for example, the actual case of the narwhal. For that reason Spain's approval of the Regulation does not signify its agreement to those general exceptions, as it does not consider that they add anything to the authorization, already in force, of the local consumption of cetaceans in Greenland.

They do, however, open the way to a trade which may be harmful to the conservation of certain of the species concerned, and Spain would therefore prefer that exceptions be made on the basis of a list of individual species."

STATEMENT 314

Re Annex D:

"The Council and the Commission consider that as a matter of priority the Scientific Review Group must examine the question of adding the species cited in SN 2878/95 to Annex D."

STATEMENT 315

Commission statement

"The Commission believes that the objectives of the Multiannual Programme can best be achieved within a coherent, visible and effective framework for the operation of enterprise policy. The Commission holds that a consistent set of definitions of SMEs, small enterprises and micro-enterprises is an essential element of such a framework if the measures in the Programme are genuinely to benefit the target categories of enterprises. Accordingly, in the implementation of the Programme, the Commission proposes to apply the definition of SMEs as laid down in Recommendation 96/280/EC of 3 April 1996."

STATEMENT 316

Commission statement

"The Commission would point out that, according to the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes not subject to the co-decision procedure do not involve an amount deemed necessary.

Since the Commission proposal does not provide for any financial reference amount, the latter is the sole responsibility of the Council and does not affect the powers of the budget authority."

STATEMENT 317

Commission statement

"In the event of revision of the Financial Perspective, the Commission will consider presenting proposals for supplementary finance in the framework of this proposal for a multiannual programme."

STATEMENT 318

Commission statement

Re Annex, section C 1 (improvement of the composition of the network)

"Under the new multiannual programme for SMEs, the Commission is proposing improvements in the composition of the Euro-Info-Centre (EIC) network. The idea is, firstly, to assess the existing network components, taking into account information gleaned from experience and the findings of the ongoing quality audit carried out throughout the network.

Secondly, where members of the network no longer wish to participate or no longer meet suitable quality standards, a call for candidates will be published in the Official Journal so that, jointly with Member States, and on the basis of full documentation, an appropriate level of partial renewal of the composition of the network can be ensured.

In order to take into account the most recent enlargement, the Commission proposes that the new EICs benefit from an additional year for adjustment, during which time they will not be subject to a renewal procedure.

This method, once it has been adopted, will be the basis for resolving any specific cases which have already arisen or which might arise as the Network develops in the framework of the Article 4 Committee."

STATEMENT 319

Commission statement

Re Annex, Section F, second indent (statistics)

"The Commission states that the improvement of SME statistics will be brought about without increasing the burden on SMEs, as this initiative relies mainly on data already collected for other purposes. While the Commission believes that limitation of the burden on national statistical authorities is not an objective which can appropriately be dealt with under the Multiannual Programme for SMEs, it recognizes the high priority which national governments attach to controlling the level of public expenditure. The Commission has therefore made every effort to ensure that national statistical institutes have the methodological and technological means at their disposal to permit them to prepare the necessary information at reasonable cost.

These means include:

- use of all existing administrative information available;
- bringing together of statistical and accounting concepts;
- development of software facilitating automatic completion of statistical forms directly from company information systems;
- putting in place a companies directory to be used for statistical purposes, drawing primarily on existing administrative sources (VAT, social security, etc.).

Thus, Member States will not face any undue increase in the workload of national statistical institutes."

STATEMENT 320

Statement by the Commission and the Council

Re Section F, third indent (efficiency criteria)

"The Commission and the Council believe that the Article 4 Committee is the appropriate forum for establishing a system of efficiency indicators. A Working Party will be set up within the structure of the Article 4 Committee, charged with considering this matter in detail and reporting back by a date to be determined by the Committee."

STATEMENT 321

Statement by the Council and the Commission

Re Article 6

"The programme evaluation report provided for in Article 6 must be submitted at least six months before any proposal is made for renewal of the action programme for SMEs. It must be based on clearly defined evaluation criteria enabling the Member States to assess the effectiveness of the measures taken."

STATEMENT 322

Statement by the German delegation

"Germany is of the opinion that Article 130 of the EC Treaty is insufficient as the legal basis for the Decision, as economic sectors other than industry – for example trade – are also affected, and consequently Article 235 of the EC Treaty should be cited in addition. However, Germany is prepared to overlook its legal misgivings and agrees to the Decision since in its content it corresponds to the requirements."

STATEMENT 323

RE ARTICLE 4

"The Council requests the Commission to submit to it, as necessary, within 3 years, proposals designed to ensure a high level of protection of human beings and/or the environment in respect of the prevention of risks of major accidents connected with ports and marshalling yards (excluded by paragraph 4(c)) and pipelines (excluded by paragraph 4(d)) following examination of the Community and international legislation in force relating to the transport of dangerous substances and the national measures in force in the Member States for the prevention of risks of major accidents connected with such activities."

STATEMENT 324

RE ARTICLE 12

"The Commission states that Article 12 requires Member States to ensure that the objective of preventing major accidents and limiting their consequences is taken into account in their land-use and/or other relevant policies. It is for Member States to determine how such policies address this objective, as well as, in particular, the most appropriate control, or mix of controls, to apply to modifications within and developments around existing establishments to achieve it."

STATEMENT 325

RE ARTICLE 12

"The German delegation notes that, when the need to maintain appropriate distances is assessed, the measures provided for in Article 5 must also be taken into account."

STATEMENT 326

RE ARTICLE 23

"The Council and the Commission state that, for the purposes of applying obligations under this Directive to establishments covered by Directive 82/501/EEC, account will be taken of information supplied and measures implemented under that Directive."

STATEMENT 327

RE ANNEX 1 as a whole

"Belgium considers that, given the greater or lesser likelihood of toxic substances spreading in the environment according to whether they are in the solid, liquid or gaseous state, the use of a single criterion to determine the qualifying quantity for toxic substances could pose problems of consistency between Part 1 and Part 2 of Annex 1 and introduce distortions into the selection of the undertakings concerned by this Directive."

STATEMENT 328

RE ANNEX 1, Part 1, carcinogens

"The Council and the Commission acknowledge the need to evaluate the list of carcinogens in Part 1. The Council accordingly invites the Commission in conjunction with the Member States to examine in depth the substances to be retained and their appropriate qualifying quantities in the light of criteria such as their environmental persistence and the risks arising from exposure thereto, within the framework of the objectives of this Directive. Not later than two years after the entry into force of the Directive, the Commission will submit a report on the subject together, if appropriate, with a proposal for amending the list of carcinogens in Part 1."

STATEMENT 329

RE ANNEX 1, Part 2, substances dangerous for the environment

"The Council and the Commission acknowledge the need to evaluate the qualifying quantities assigned to substances dangerous for the environment in Part 2. To this end, the Council requests the Commission to carry out a detailed examination, in cooperation with the Member States, of the appropriate qualifying quantities for this category of substance, in the context of the objectives pursued by this Directive.

The Commission will submit a report on this matter as soon as is feasible, accompanied if appropriate by proposals for amending the qualifying quantities assigned to the substances in question."

STATEMENT 330

RE ANNEX 1, Part 2, Note 2(a)(iii)

"Italy states that, with regard to Annex 1, Part 2, Note 2(a)(iii), commercial ammunition in stock, packaged in accordance with the definition of Class A.45 of the United Nations recommendations and with Directive 93/15/EEC on explosives for civil uses capable of causing accidents, do not exhibit effects relevant for the application of this Directive."

STATEMENT 331

RE ANNEX 1, Part 2, Notes 2 and 3

"The German delegation states that in its view it is necessary to align the definitions of the following terms on definitions in other Directives:

- "explosive";
- "flammable liquids";
- "highly flammable liquids";
- "extremely flammable liquids".

The German delegation expects this alignment to be made at an appropriate stage. However, it considers that this would also be possible at the time of transposition of the Directive into national law, and that this would not involve any substantive change."

STATEMENT 332

Commission statement

"When implementing the procedure provided for in Article 8(2) second subparagraph, the Commission will examine Member States' requests with a view to obtaining appropriate data comparable with the statistical data."

STATEMENT 333

Commission statement

"With regard to preparation of the list of characteristics to be collected from the 1999/2000 basic survey, the Commission will consider with the appropriate flexibility how this list should be updated."

STATEMENT 334

Statement by the United Kingdom

"The United Kingdom was grateful for the Commission statements in relation to amendments to Regulation (EEC) No 571/88. Our agreement is based on the Commission's commitment to review fully the essential data requirements and to keep the list of required data to a minimum. While the United Kingdom continues to believe that Member States should fund their own surveys, it notes that this is not the majority view."

STATEMENT 335

Statement by the Council

The Council stresses the need to continue technical discussions on the Commission proposal and in particular on the question of entrails and the adjustments needed to take account of the amendments made to Directive 64/433/EEC by Directive 91/496/EEC.

STATEMENT 336

Statement by the Commission

Although it shares the Council's concern not to interrupt the flow of trade in entrails, the Commission regrets the route chosen, namely amendment of Directive 72/462/EEC, the proposal which it submitted on 23 February 1996, COM(96) 68 final, for the purpose of amending Directives 77/99/EEC and 92/118/EEC with regard to the rules applicable to entrails. The proposal dated 20 September 1994 (COM(94) 394 final) relating to an amendment to Directive 72/462/EEC was designed to introduce the possibility of recognizing the equivalence of a third country's measures on public health and animal health for fresh meat and meat products, and not to provide for interim measures for imports of entrails. As far as the Commission is concerned, the two abovementioned proposals remain on the table before the Council.

STATEMENT 337

Statement by the Italian delegation

The Italian delegation regards it as necessary and urgent to add to the harmonization of legislation on meat products by regulating the use of starch and protein of animal origin (other than meat) and vegetable protein in those products.

At the present stage, the various national standards will continue to apply, creating a situation of uncertainty for those active in this sector and significant distortions of competition within the single market.

Such gaps, apart from having a negative impact on the market, damage the interests of consumers, who do not receive full information enabling them to make up their mind freely on the basis of the actual characteristics of the product. This requirement is particularly strongly felt for products, such as cured meat, of which meat is the principle ingredient and where the possible addition of other protein ingredients in place of meat should be properly regulated, at least by making it obligatory to state the quantities involved on the label, so that the consumer is correctly informed.

The Italian delegation also asks the Commission to comply with the obligation imposed on it by Article 21 of Council Directive 77/99/EEC and, on this subject, it would also like to draw attention to the statement for the Council minutes in 12404/95.

STATEMENT 338

Belgian and Italian statement

"The Belgian and Italian delegations acknowledge that, as the Treaty is currently worded, it is necessary from a strictly legal viewpoint to quote Article 130s as the legal basis for the SAVE II programme. They regret that the Treaty does not, in its present form, offer the possibility of placing greater emphasis on the consistency of these measures in the general context of energy policy and therefore deplore the fact that at this stage this policy remains implicit."

STATEMENT 339

Belgian, Danish, Spanish, Finnish, Greek, Irish, Luxembourg, Portuguese and Swedish statement

"Belgium, Denmark, Spain, Finland, Greece, Ireland, Luxembourg, Portugal and Sweden regret that it has not been possible to reach an agreement on a more substantial budget as they deem a budget of ECU 45 million for the implementation of SAVE II insufficient to meet the important objectives set out for the programme. These countries find this particularly regrettable since it results in a seriously reduced contribution to energy efficiency and to the attainment of the established objective of stabilizing EU's CO₂ emissions."

STATEMENT 340

Commission statement

"The Commission points out that under the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes not subject to the co-decision procedure do not contain an "amount deemed necessary".

As the Commission proposal concerning a multi-annual programme for the promotion of energy efficiency in the Community – SAVE II – does not provide for inclusion of a financial reference amount, this is the sole responsibility of the Council and does not affect the powers of the budgetary authority."

STATEMENT 341

Commission statement

"The Commission deeply regrets that the Council has given indications for the budget of the SAVE II Programme which are so low as to seriously put into question the achievement of the programme's objectives for energy efficiency improvements and for the stabilisation of CO₂ emissions."

STATEMENT 342

German statement

"As the German delegation expressly stated in the Energy Council on 7 May 1996, Germany supports the continuation of SAVE activities, given the importance of energy saving, rational use of energy and reduction of CO₂ emissions for a precautionary energy and environmental policy. In Germany's view, however, the part of the programme dealing with financial promotion of regional and urban energy management (Article 2(f) of the proposal) infringes the principle of subsidiarity laid down in the second paragraph of Article 3b of the EC Treaty. Germany is therefore unable to agree to the proposal for the SAVE II promotion programme as a whole and is abstaining."

STATEMENT 343

"The Italian delegation strongly regrets that the Commission proposal to reduce the rate of autonomous Common Customs Tariff duties on fillets and meat of frozen hake for processing from the 10% applied in previous years to 8,5% has not been accepted.

The decision, which is contrary to the objectives of the common fisheries policy, one of which is to ensure adequate protection for the processing industry, gives a negative signal to GATT producer countries and penalizes the Community fisheries industry, which is facing increasing international competition."

STATEMENT 344

Council statement

Re Article 9(2) and Annex II, points 7.9 and 7.10

"The Council requests the Commission to study as quickly as possible the developments in the technology of speed-limitation devices making possible simple and effective checks on such devices in the course of both roadworthiness tests and roadside tests, and in particular the feasibility of electronic auto-diagnostic systems in certain limitation devices. It requests the Commission, on the basis of this study and experience gained from checks on speed-limitation devices, to make any necessary proposals for adaptations to the rules governing such devices and consequent adaptations to the rules for roadworthiness tests."

STATEMENT 345

Statement by the German delegation on the Regulation as a whole

"The German delegation states that the Council Regulation on structural business statistics requires a multitude of information and this requirement cannot be fulfilled without a significant increase in the burden on businesses and statistical offices in the Member States.

The scope and programme of statistical enquiry and the detailed professional and regional organization of the data far exceed what is required for Community policy.

The extensive programme for the transmission of statistics to Eurostat cannot be fulfilled either by the business register to be set up, which records only data on demography, employment and turnover, or by existing management data.

Further costly surveys and extensive reorganization and adaptation are therefore needed.

As the Federal Government has set itself the objective of reducing statistics to the absolute minimum, it cannot agree to the Regulation on structural business statistics."

STATEMENT 346

Re Article 8

- (a) "The Commission states that the obligation to transmit information at NACE REV 1 class level (4 digits) is aimed at the compilation of Community statistics at this level. However, national data could only be published without the Member State's consent at NACE REV 1 group level (3 digits)."
- (b) "The Commission states that, with regard to the reference years 1995-1998, special arrangements can be made with Member States which, for technical reasons linked to derogations obtained for NACE REV 1, are unable to implement the obligation to provide NACE REV 1 4-digit level data."

STATEMENT 347

Re Article 15 and Section 5 of Annexes 1 to 4

"The Commission states that, with regard to the reference year 1995, special arrangements could be made with Member States which, for technical reasons or reasons linked to derogations obtained for NACE REV 1, were unable to incorporate the provisions of this Regulation in their statistical system."

STATEMENT 348

Re Section 8 of Annexes 1 to 4

"The Commission states that the obligation to transmit preliminary results at NACE REV 1 group level (3 digits) is aimed at the compilation of Community statistics at this level of detail. However, national data could only be published without the Member State's consent at NACE REV 1 division level (2 digits)."

STATEMENT 349

Re Annex 2, Section 4, point 3, variables 22 11 0 and 22 12 0

"The Commission states that the definitions it will propose for research and development (R&D) and of the variables used to measure R&D will be compatible with the definitions laid down in the Frascati Manual of the OECD."

STATEMENT 350

Re Annex 4, Section 3

"The Commission states that in order to produce statistics which are representative of the construction sector it may be possible to limit data collection to exclude enterprises which, due to their size, have no statistical importance for the Member States."

STATEMENT 351

Re Annex 4, Section 4, point 3

"The Commission states that in order to produce representative statistics on R&D conducted in the construction sector, it could be possible to limit the collection of data to those enterprises which have significant R&D activity."

STATEMENT 352

Re Article 2

Statement by the Commission

"The Commission recalls, in order to assist Member States in the implementation of the Directive concerning common rules for the internal market in electricity, that Member States which experience problems when applying the definitions under Article 2 of the Directive can seek ways to deal with these problems through the appropriate use of the procedures of Article 24."

STATEMENT 353

Re Article 2(4)

Statement by the Portuguese delegation

"The definition of "independent producer", as given in this Directive, may allow predatory behaviour by producers who, taking advantage of the guarantees offered by the single buyer system, may at the same time compete outside that system under conditions that may cause competition distortions. These distortions may occur, inside the system itself, in relation to consumers who pay security and long-term planning guarantees and, outside the system, to other producers who are subject to unequal conditions of competition.

The Portuguese delegation, taking into account the statement made by the Commission re Article 2, withdraws its reservation on the definition of "independent producer". However, in doing so, it states that it will be obliged to apply the transitional clause of the Directive, Article 24, and reserves the right to make this formal declaration, to be included in the Council minutes, known to the enterprises covered by the Directive."

STATEMENT 354

Re Article 3

Statement by the Belgian delegation

"The Belgian delegation states that intervention by the public authorities in the electricity sector – the aim of which is to ensure, in particular, that operators have the resources to fulfil their general interest mission – may take place, inter alia, in an agreed framework, in the preparation of which those public authorities are closely associated and the implementation of which is subject to their approval."

STATEMENT 355

Re Article 3(1)

Statement by the Commission

"During the implementation of the Directive concerning common rules for the internal market in electricity, the Commission will undertake all efforts to ensure that the transposition of the Directive's provisions into national legislation leads to equivalent economic results, and hence to a directly comparable level of opening of markets and to a directly comparable degree of access to electricity markets in all Member States. This implies that the last sentence of Article 3(1) does not impose an obligation on Member States."

STATEMENT 356

Re Article 3(2)

Statement by the Belgian delegation and by the Commission

"Concerning the application of Article 5(1), Belgium and the Commission recall the fact that long-term planning in the electricity sector is executed on the basis of multiannual equipment plans."

STATEMENT 357

Re Article 7(6)

Statement by the Council and the Commission

"The Council and the Commission state that making the system operator independent as provided for in Article 7(6) shall not imply any duty on undertakings to change their legal structure or create new companies."

STATEMENT 358

Re Article 7(6)

Statement by the Commission

"The Commission considers that the provision of Article 7(6) can be interpreted as allowing for the transmission system to be managed as a division of its own, separately from other activities unrelated to it."

STATEMENT 359

Re Article 14(3)

Statement by the Belgian delegation

"The Belgian delegation states that the phrase "... on a comparable basis..." no longer appears in Article 14 of this Directive, despite the wording of the Council conclusions of 29 November 1994 (point 4(b)) whereby : "Vertically integrated companies shall keep on a comparable basis separate accounts for the activities of production, transmission and distribution...".

The Belgian delegation considers that the comparable basis, and therefore the undertaking entered into by the Commission in the matter, is essential to the balanced application of the Directive, in particular for assessing whether a dominant position is being abused and predatory pricing policy pursued within the meaning of Article 22 of this Directive. The Belgian delegation feels that non-compliance with the undertaking entered into by the Commission would jeopardize such application."

STATEMENT 360

Re Article 14(3)

Statement by the Commission

"In order to assist Member States in the implementation of the Directive concerning common rules for the internal market in electricity, the Commission will take all necessary steps to ensure that the separation of accounts, provided for in Article 14 of the Directive for generation, transmission and distribution activities, takes place on a comparable basis."

STATEMENT 361

Re Article 14(3)

Statement by the German delegation

"The German delegation states that the aims of the first sentence of paragraph 3 shall also be met where the contents of the balance sheet and profit and loss accounts are broken down in a pragmatic and verifiable manner."

STATEMENT 362

Re Article 17(2)

Statement by the Commission

"The Commission reaffirms that Member States, when defining public service obligations within their system, may require eligible customers who intend to change the source of their supplies, to be committed by contractual provisions to give due notice of this change, for reasons of security and regularity of supply."

STATEMENT 363

Re Article 18(2)

Statement by the French delegation and by the Commission

"The French delegation and the Commission recall, in relation to Article 18(2) of the draft Directive on common rules for the internal market in electricity, that the establishment of the price at which the single buyer has the obligation to repurchase electricity supplies from eligible customers will be based on the sales price offered by the single buyer to eligible consumers, within the framework of the indefinite relationship which customers will continue to have with the single buyer, minus the published tariff. The sales price offered by the single buyer may be either the contractual price already paid by the eligible customer, or a new price offered by the single buyer. New price offers by the single buyer will not be used as a basis for the repurchasing calculation if made after the closing of the contract between the eligible customer and another supplier, because this would lower the economic benefit for the eligible customer, would be against the spirit of the internal electricity market and would taint the trustworthiness of the single buyer entity."

STATEMENT 364

Re Article 19(5)

Statement by the Council

"With regard to the lifetime of the safeguard clause, as expressed in the heading of Article 19(5), the Council recalls that the internal market in electricity needs to be established gradually, and that the present phase of market opening will be limited by the period provided for in Article 26. The Council underlines that the mechanisms provided for in Article 19(5) are of a transitional character. The review provided for in Article 19(5), last paragraph does not affect the validity of the safeguard clause."

STATEMENT 365

Re Article 22

Statement by the Belgian delegation

"The Belgian delegation considers that this Article should concentrate more on the abusive nature of prices and should take account of the need to reduce the time of the necessary control procedures and compliance with the prohibitions mentioned in the event of any abuse of dominant position and of predatory behaviour."

STATEMENT 366

Re Article 22

Statement by the Commission

"The Commission recalls, in relation to Article 22 of the draft Directive for common rules for the internal market in electricity, that the case law of the Court of Justice enables it to consider as an abuse of dominant position a sales price which is lower than the average of total costs when this has been fixed within the framework of a plan to eliminate a competitor, and that sanctions against an abuse are justified."

STATEMENT 367

Re Article 24(1)

Statement by the Commission

"The Commission recalls, in relation to Article 24(1) of the draft Directive for common rules for the internal market in electricity, that the reference to commitments or guarantees that existed before the entering into force of the Directive, also covers commitments with regard to investments which could become stranded during the course of the introduction of the internal market for electricity. These investments may be recovered by means of the appropriate use of the provisions of Article 24(1)."

STATEMENT 368

Re Article 25

Statement by the Belgian delegation

"The Belgian delegation regrets that the principle of prior harmonization of protection of the environment, taxation and social protection, as defined by the European Parliament in its Opinion of 17 November 1993, has not been included in these enacting terms. It considers that fulfilment of such harmonization constitutes a condition for the smooth operation of the internal electricity market."

STATEMENT 369

Re Directive

Statement by Finland, the Netherlands and the United Kingdom

"Whilst acknowledging that we are taking first steps towards liberalization of the EU electricity market, Finland, the Netherlands and the United Kingdom regret that the text agreed does not provide a greater degree of initial market opening and a shorter timetable for liberalization.

Finland, the Netherlands and the United Kingdom underline the importance of ensuring that the Directive will lead to equivalent economic results and, therefore, to a directly comparable level in the opening of the markets and to a directly comparable degree of access to electricity markets. Finland, the Netherlands and UK emphasize the monitoring role of the Commission in this."

STATEMENT 370

Re Article 1(3) concerning Article 6(1) point (i), first indent

Statement by the Commission

"The Commission states that nothing in this provision shall require Member States to permit occupational schemes subject to their legislation to avail themselves of the option to set different levels of employers' contributions in the case of defined contribution schemes, even if the aim is to equalize the amount of final benefits or make them more nearly equal for both sexes."

STATEMENT 371

Re Article 1(1) concerning Article 2(3) and re Article 1(3) concerning Article 6(h) and Article 6(i)

Statement by the Commission

"The Commission has initiated a study on actuarial factors and their impact on the principle of equality of treatment. The results of this study will be communicated to the Member States."

STATEMENT 372

Joint statement by the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission take note of the intention of the Member States to endeavour to implement the laws, regulations and administrative provisions necessary to comply with this Directive on 1 January 1999.

STATEMENT 373

Statement by the Commission

The Commission undertakes to explore, in partnership with the Member States, the possibility of developing, with due regard for the principle of subsidiarity, long-term exchanges between national administrations of officials working in the customs administrations of other Member States in corresponding posts. The Commission and the Member States will take into account experience acquired in implementing the MATTHAEUS programme, and particularly application of Article 5 of Council Decision 91/341/EEC of 20 June 1991 on the adoption of a programme of Community action on the subject of the vocational training of customs officials (the MATTHAEUS programme).

STATEMENT 374

Statement by the Commission re Article 2

The Commission confirms that if it emerges in the light of experience that deficiencies exist in the public health protection system established by the existing legal framework, in particular with regard to processing aids, it will make suitable proposals to make up for those deficiencies.

STATEMENT 375

Re Article 18 (committee procedure)

"The Commission intends to single out clearly and group matters arising from the application of this Directive on the agenda of the meetings of the Committee set up by Article 12 of Council Directive 93/75/EC in order to allow Member States to ensure proper representation of the Committee."

STATEMENT 376

Re Annex A.1

1. "The Council and the Commission agree that during the period from the entry into force of the Directive until, in the first instance, 30 June 1998, the best possible efforts should be made to examine and improve Annex A.1 to the Directive, by means of the procedures laid down in Article 18."

STATEMENT 377

Re Annex A.1

2. "The Danish and Swedish delegations declare that it is a matter of importance for Denmark and Sweden that, when the detailed regulations are being adopted through the committee procedure, local climatic or other circumstances may necessitate enhanced requirements in specific areas when this is vital to safety.

The Commission notes this statement and observes that it can have no legal effect on the interpretation of the Directive which is designed, unlike the proposed Directive on safety rules and standards for passenger ships ⁽²⁾, to make international testing standards mandatory in the Community."

⁽²⁾ 5585/96 MAR 8 ENT 47 + COR 1 (en) COM(96) 61 final 96/0041 (SYN)
(OJ No C 238, 16.8.1996, p. 1).

STATEMENT 378

Re Annex A.1

3. "Having noted the above Council and Commission statement under No 1, the Commission declares that it is prepared to examine urgently and carefully requests by Denmark and Sweden for enhanced requirements for equipment vital to safety in specific areas by including this point among the agenda items of the first meeting of the Committee foreseen in Article 18. In particular, the Commission will invite the Committee to consider this issue in the light of the work carried out at IMO on the same subject, such as work on the proposal submitted by Denmark to the Maritime Safety Committee to lay down higher requirements for thermal protective lifejackets to be used on board ships operating in cold waters."

STATEMENT 379

Re Annex A.1

4. "The Danish and Finnish delegations ask the Commission to examine the need for an adjustment of the standards for radio communication equipment set in Annex A.1, in order to ensure that the interference and the electromagnetic characteristics of this equipment are compatible with the provisions of the EMC-Directive, 89/336/EC, and in that case to present proposals about this by means of the procedures laid down in Article 18."

STATEMENT 380

Re Annex A.1

5. "Referring to the statement under No 1, the Commission declares that it intends to put the issue of the standards for radiocommunication equipment set in Annex A.1 to the Directive on the agenda of the Committee."

STATEMENT 381

"The Commission states that the aim of the proposed reform is not to upset the balance achieved within the Economic Tariff Problems Group, which is based on a partnership between the Member States and the Commission. Where a Member State submits a request for opening of a tariff quota, the Group establishes production capacity in the Community and the need for supplies of imported products. Without prejudice to its right of initiative, the Commission confirms its established practice of accepting requests on which consensus has been reached between representatives of the Member States."

STATEMENT 382

"The Commission states that, in view of the specific nature of fishery products, proposals for opening autonomous Community tariff quotas for those products (except eel, which are already covered) will if necessary be submitted in a proposal for a specific Council Regulation in accordance with the Treaty and secondary legislation."

STATEMENT 383

"The Member States take the view that all autonomous alterations with economic effects should be for the Council alone to decide (TEC Article 28).

The shift of decision-making provided for in the Regulation on the 1997 autonomous Community tariff quotas with regard to increasing tariff quotas or extending their period of validity within a calendar year therefore meets with fundamental misgivings.

Only because of the limited range of these powers can their transfer to the Commission ultimately be accepted.

Member States will oppose any attempt by the Commission to obtain wider-ranging powers with regard to decision-making on the basis of TEC Article 28."

STATEMENT 384

"In principle, the rules on autonomous Community tariff quotas should in future be adopted for an indefinite period. This procedure requires alterations relating to a reduction of volume or period of validity to be decided upon and published by the Council acting on a proposal from the Commission prior to the relevant reference date.

The Member States therefore urge the Commission to submit such modifications to the Council in good time."

STATEMENT 385

The Commission is aware of the problems which Austria faces in keeping a threshold of 10 employees in certain sectors.

STATEMENT 386

Member States undertake that from 1 January 1997 to 31 December 1998 they will make every effort to avoid widening the current span of 10 percentage points above the current lowest standard rate applied by Member States.

STATEMENT 387

Spanish statement

The Spanish delegation would, in connection with footnote 3 concerning the stock "Anchovy IX, X, COPACE 34.1.1." make the following remarks:

- (a) The footnote is illegal for the reasons expounded by the Kingdom of Spain in Case C-179/95 which is at present before the Court of Justice of the European Communities.
- (b) Spain states that it will oppose this Regulation for the same reasons as it opposed Regulation (EC) No 746/95.

STATEMENT 388

Commission statement on North Sea plaice

"The Commission declares that it is ready to explore with Norway, before 1 February 1997, all possibilities for a higher Community quantity of plaice in area IV."

STATEMENT 389

Council statement: Bluefin tuna and swordfish

"The Council takes note of the recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for the conservation of bluefin tuna in the Mediterranean and in the Eastern Atlantic, and of swordfish in the Atlantic. The Council also takes note of the firm intention of the Member States participating in the bluefin tuna and swordfish fisheries to adopt appropriate measures in order to comply with these recommendations.

Such measures will include appropriate catch registration procedures and action plans for the conservation of bluefin tuna and swordfish, taking into account third countries' activities. The action plans will be communicated to the Commission.

The Council takes note of the outcome of the Second Diplomatic Conference on Fisheries Management in the Mediterranean (Venice, 27-29 November 1996) and in particular the establishment of a Working Group of legal and technical experts to prepare concrete proposals for the next Annual Meeting of the GFCM scheduled for October 1997. The Council supports this initiative and invites all the members of this Working Group to contribute actively to arriving at effective decisions.

The Council invites the Commission through the appropriate international bodies at the earliest appropriate time to work actively to achieve the commitment by all third countries participating in the bluefin tuna and swordfish fisheries to adopt the appropriate measures in order to comply with the ICCAT recommendations.

The Council will give priority to the examination of a proposal for a Council Decision on the accession of the European Community to the GFCM. The Commission will transmit such a proposal as soon as possible after the successful conclusion of negotiations on accession, in order that accession will be effective for the next Annual Meeting of GFCM in October 1997."

STATEMENT 390

Commission statement

"The Commission regrets that the Council has not considered it appropriate to support its proposals aimed at ensuring the conservation of the stock of Iberian sardines, despite the many scientific opinions stressing the gravity of the biological situation of this stock. Should the state of this resource deteriorate in the course of 1997, the Commission will have to take every initiative necessary."

STATEMENT 391

Commission statement

"The Commission regrets that the Council has been unable to support its proposal on the fixing of TACs and quotas for the fishing of bluefin tuna and swordfish. It recalls that the fixing of conservation measures falls within the exclusive competence of the Community and that the fact that it is not currently a member of ICCAT does not effect this exclusive competence.

The Commission will, in good time to enable it to act by the end of 1997, propose to the Council appropriate measures to act on the ICCAT recommendations."

STATEMENT 392

Statement by the Irish delegation

"Ireland's position on the TACs and quotas proposals for 1997 is without prejudice to the important declaration which Ireland made on 20 October 1993 in relation to the Irish Government's Memorandum on the review of the Common Fisheries Policy (5765/92)."

STATEMENT 393

Commission statement

"Taking into account that in fishery in the NEAFC Convention Area there is presently not a limitation by number of vessels or fishery time and noting implementation problems raised by Member States, the Commission will not insist, at this point in time, on the requirement of special fishing permits to vessels authorized to engage in this fishery. In view of its international commitments the Commission will however come back to this issue in due time."

STATEMENT 394

The Council declares that in case Sweden is given, under paragraph 3 of Article 26 of Directive 92/12/EEC as amended by this Directive, a date more favourable than the one granted to Denmark and Finland under paragraph 1, the same date given to Sweden shall be applied also to Denmark and Finland.

STATEMENT 395

The Commission understands that

- 1) the derogation granted to Denmark and Finland definitively expires on 31 December 2003; and
- 2) the derogation granted to Sweden expires on 30 June 2000 unless the Commission proposes, and the Council adopts by unanimity, a further extension.

The Commission further understands that the report which it is required to make under paragraph 2 of the new Article 26 is intended to deal particularly with the measures which Denmark and Finland are required to take in order to progressively remove the restrictions.

STATEMENT 396

Sweden understands that if the Council, acting unanimously on a proposal from the Commission, does not decide on the Swedish derogation before 1 July 2000, the derogation granted to Sweden shall be extended automatically until the date of entry into force of a later decision by the Council that the derogation shall expire.

STATEMENT 397

The Council and the Commission declare that the verifications necessary for the enforcement of the quantitative restrictions referred to in paragraph 1 and 3 of Article 26 of Directive 92/12/EEC as amended by this Directive, may be considered as controls within the meaning of Article 1(2) of the Regulation concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight or making an intra-Community sea crossing.

STATEMENT 398

The German delegation states that the provisions for travellers' allowances granted to Sweden do not affect the substantive questions of the VAT system.